

Deposition Designations for:
CARL A. LARSON
January 12, 1999

Deposition Designation Key

Arrowood = Arrowood Indem. Co.
f/k/a Royal Indem. Co. (Light Green)

BNSF = BNSF Railway Co. (Pink)

Certain Plan Objectors “CPO” = Government Employees Insurance Co.; Republic Insurance Co. n/k/a Starr Indemnity and Liability Co.; OneBeacon America Insurance Co.; Seaton Insurance Co.; Fireman’s Fund Insurance Co.; Allianz S.p.A. f/k/a Riunione Adriatica Di Sicurta; and Allianz SE f/k/a Allianz Aktiengesellschaft; Maryland Casualty Co.; Zurich Insurance Co.; and Zurich International (Bermuda) Ltd.; Continental Casualty Co. and Continental Insurance Co. and related subsidiaries and affiliates; Federal Insurance Co.; and AXA Belgium as successor to Royal Belge SA (Orange)

CNA = Continental Cas. Co & Continental Ins. Co. (Red)

FFIC = Fireman Funds Ins. Co. (Green)
FFIC SC = Fireman Funds Ins. Co. “Surety Claims” (Green)

GR = Government Employees Ins. Co.; Republic Ins. Co. n/k/a Starr Indemnity and Liability Co.

Libby = Libby Claimants (Black)

OBS = OneBeacon America Ins. Co. and Seaton Ins. Co. (Brown)

PP = Plan Proponents (Blue)

Montana = State of Montana (Magenta)

Travelers = Travelers Cas. and Surety Cos. (Purple)

UCC & BLG = Unsecured Creditors’ Committee & Bank Lenders Group (Lavender)

**AFNE = Assume Fact Not in
Evidence**

AO = Attorney Objection

BE = Best Evidence

Cum. = Cumulative

Ctr = Counter Designation

Ctr-Ctr = Counter-Counter

ET = Expert Testimony

F = Foundation

408 = Violation of FRE 408

H = Hearsay

IH - Incomplete Hypothetical

L = Leading

LA = Legal Argument

LC = Legal Conclusion

LPK - Lacks Personal Knowledge

LO = Seeking Legal Opinion

NT = Not Testimony

Obj: = Objection

R = Relevance

S = Speculative

UP = Unfairly Prejudicial under Rule 403

V = Vague

0001

1 IN THE DISTRICT COURT OF THE NINETEENTH
2 JUDICIAL DISTRICT FOR THE STATE OF MONTANA
3 IN AND FOR THE COUNTY OF LINCOLN
4 CAUSE NO. DV-98-83
5 CARL A. LARSON and JOYCE LARSON,)
6 husband and wife,)
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0015
11:08 1 other jobs that you went to or did you --
11:08 2 A No, not -- Never did work after that. No.
11:08 3 Q Okay. So you never worked at the
11:08 4 vermiculite mine known as Zonolite?
11:08 5 A No, no, never did.
11:08 6 Q It's my understanding that you have been
11:08 7 diagnosed with asbestosis.
11:08 8 A Yes.
11:08 9 Q I would like to talk, if I could now,
11:08 10 about your exposure to asbestos during the course of
11:08 11 your life, Mr. Larson. During your childhood, where
11:08 12 did you -- What was your address here in Libby when
11:09 13 you were growing up?
11:09 14 A What did I what?
11:09 15 Q Where did you live here in Libby?
11:09 16 A At 1317 Montana Avenue.
11:09 17 Q So is that --
11:09 18 A In the city of Libby there, right in --
11:09 19 Q South side?
11:09 20 A South side.
11:09 21 Q Okay. And was that pretty much your
11:09 22 entire childhood?
11:09 23 A Yeah, that was my whole childhood, yeah.
11:09 24 Q What did your folks do out there? Your
11:09 25 parents?

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Libby 0016

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1 A My father worked at the mill -- at the
2 mill down there, loading boxcars for years. My
3 mother just was a home wife, you know. There was 13
4 of us, so she was pretty well busy.

5 Q Thirteen kids?

6 A Thirteen.

7 Q Wow. She was busy for sure. During your
8 childhood, did you used to play in areas that were
9 owned by Zonolite?

10 A Yes.

11 Q I would like you to tell us a little bit
12 about that, if you can. Where did you play?

13 A Well, we used to go down here on Lincoln
14 Boulevard down here. Just -- That was on the
15 company railroad tracks there. They had a -- oh,
16 about a four-story building down there and it had
17 the Zonolite in it and stuff. I think it was an old
18 popping plant is what it is.

19 Q Okay. Let me stop you for a second, so
20 we're clear. So this was on Lincoln Boulevard?

21 A That was on Lincoln Boulevard, just across
22 the tracks, down -- as you get down to J. Neils on
23 there. Oh, just past Wisconsin, I think it is.
24 It's about a block on the other side of Wisconsin
25 Avenue, down Lincoln.

Arrowood
Obj:
F

0017
Libby

11:10 1 Q . Okay. So just to orient ourselves, what
11:10 2 kind of time period are we talking about? What age
11:10 3 were you?

11:10 4 A Oh, I was fairly young at that time.
11:10 5 Probably, oh, twelve, ten -- twelve, thirteen,
11:10 6 fourteen. You know, up in -- We played, you know,
11:11 7 for quite awhile there.

11:11 8 Q Okay. Tell us more then about the
11:11 9 facility on Lincoln. What was it like?

11:11 10 A Oh, it was just a -- It was a metal
11:11 11 building, you know, and put up big timbers inside
11:11 12 and stuff. And then they stored Zonolite and had
11:11 13 different rooms and stuff. And we'd go in there and
11:11 14 jump off the rafters down into the Zonolite and --

11:11 15 Q So was this -- So you said there was a
11:11 16 popping plant?

11:11 17 A It used to be a popping plant. Right, it
11:11 18 was.

11:11 19 Q And was that a separate building from
11:11 20 where you played?

11:11 21 A Well, it's all one building, but it was --

11:11 22 Q Okay.

11:11 23 A -- it was roomed off. You know what I
11:11 24 mean?

11:11 25 Q Okay. Sure.

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0021
11:15 1 A Yeah, it's all one metal building, but it
11:15 2 was in different rooms, you know.
11:15 3 Q Is it still there?
11:15 4 A No. They tore it down. I don't know what
11:15 5 year for sure they tore it down or -- anyhow. But,
11:15 6 yeah, they did finally tear it down.
11:15 7 Q Okay. And so then you talked about
11:15 8 playing in piles of -- I think you called it
11:15 9 Zonolite. Now, let's just be clear on that.
11:15 10 A Vermiculite or Zonolite.
11:15 11 Q Is that the vermiculite ore that Grace
11:15 12 produced?
11:15 13 A Yeah.
11:15 14 Q And did you know at that time of your life
11:15 15 that this facility was owned by Zonolite, or is that
11:15 16 something that you came to know later?
11:15 17 A Oh, no, we knew that it was owned by --
11:15 18 Well, at the time -- I guess, yeah, we did -- we
11:15 19 knew it was them, but there was some -- Somebody, I
11:15 20 don't know who, found the mine and that, you know.
11:16 21 But yeah, that was at Zonolite at the time.
11:16 22 Q Describe the part of the building where
11:16 23 you would play. What was it like?
11:16 24 A Oh, it was -- It was timber and there was
11:16 25 Zonolite in it and we'd get up on the timbers and

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Libby

Arrowood
Obj:
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0022
Libby

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1 that and then -- you know, we would play our games
2 and push each other off down into the Zonolite. Or
3 else we would just plain jump off and slide down the
4 pile and go up and do her again, you know.

5 Q So was this -- Do you know whether this
6 vermiculite was already expanded or popped, or was
7 it still -- I mean, if you don't know, that's --

8 A I don't quite remember all that.

9 Q I say that because you say you jumped into
10 it, and I was wondering, how did it feel when you
11 jumped into it?

12 A It was a soft landing.

13 Q Okay.

14 A Dusty. Awful dusty. I know that, because
15 the timbers up there had dust on them 6, 8 inches
16 deep, you know. At places you would scoot the dust
17 off and it would go down and fly around, you know.
18 It was quite dusty. I do remember that.

19 Q Okay. And so it was just a game that you
20 would play --

21 A That was just a game.

22 Q -- and you would jump into the piles?

23 A Go down there and have BB gun fights. One
24 boy got his eye shot out while he was down there.

25 Q Oh, bumb.

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0023
Libby

11:17 1 A So --
11:17 2 Q Okay.
11:17 3 A So it was quite an active place for kids
11:17 4 at the time. You know. Not only the bunch I was
11:17 5 with, other ones, too.
11:17 6 Q Okay. So did you ever see other kids
11:17 7 playing --
11:17 8 A Oh, sure. Sure.
11:17 9 Q Okay. Now, while you were playing down
11:17 10 there, this was -- was this during the day generally
11:17 11 or --
11:17 12 A Yes.
11:17 13 Q Were there adults around in the area?
11:17 14 A At times. At times, sure.
11:18 15 Q People who worked at the plant?
11:18 16 A Well, yeah. Yeah. Yeah. They would --
11:18 17 Nobody ever said anything to us, you know. Just
11:18 18 more or less, as long as we wasn't bothering them or
11:18 19 in their way, they would just leave you alone, you
11:18 20 know.
11:18 21 Q And so they -- So these were -- As far as
11:18 22 you know, they were men who worked there at the
11:18 23 plant -- at the popping plant?
11:18 24 A As far as I know, yeah.
11:18 25 Q Did they see you kids playing?
11:18

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0024
Libby

11:18 1 A Oh, sure. Sure.
11:18 2 Q Again, nobody ever asked you to leave
11:18 3 or --
11:18 4 A Not that I ever recall.
11:18 5 Q Did anybody ever express anything about
11:18 6 the dangers --
11:18 7 A No.
11:18 8 Q -- of the dust?
11:18 9 A No. No. Not one person ever.
11:18 10 Q Was this big room where the Zonolite piles
11:18 11 were, was this kind of open to the outside? Was it
11:18 12 a --
11:19 13 A Oh, no. No. Well -- No, it was in. We'd
11:19 14 have to go through the doors or that, you know.
11:19 15 Q And you guys just walked through?
11:19 16 A Yeah, walked through. Walked through --
11:19 17 get in there.
11:19 18 Q Were the doors ever locked or --
11:19 19 A Not that I remember, at that time. No.
11:19 20 Q Was there any fence around the facility
11:19 21 that you had to --
11:19 22 A No, no.
11:19 23 Q Okay.
11:19 24 A No.
11:19 25 Q And any -- Do you remember any signs or

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0025
Libby
11:19

1 anything posted asking you not to play?

2 A No.

3 Q Okay.

4 A No. Like I said, I went down that road

5 many a times to visit my brother and stuff and that,

6 and, like I say, I don't remember ever seeing signs,

7 but, you know -- it's possible that -- you know, but

8 I don't think so.

9 Q Yeah. At that time in your life, you

10 were, I guess, let's say between ten and fourteen,

11 did you know what asbestos was?

12 A No.

13 Q Did you know if there was any asbestos in

14 the ore that was in the buildings?

15 A No.

16 Q Did you guys ever take matches or anything

17 and heat up the ore?

18 A Oh, yes. Many times. Yes.

19 Q What would happen?

20 A Just watch it expand and that and pop up

21 and put it on -- If you build a little fire, put it

22 on something and watch it pop up, you know. Oh,

23 yeah.

24 Q Okay.

25 A I think we even took it home and get it on

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0026
Libby

11:20 1 the old wood stoves and stuff.
11:20 2 Q Okay.
11:20 3 A Just to watch it.
11:20 4 Q So do you remember, did that facility down
11:20 5 on Lincoln Boulevard, did it have a name, that you
11:20 6 remember?
11:20 7 A Not that I remember. I don't remember if
11:20 8 there was a name on it or not.
11:21 9 Q Okay. What's there now, in that spot?
11:21 10 A Nothing. That I know of. Just a railroad
11:21 11 track goes right by there, up to the -- into the
11:21 12 mill there. And that was there, too. The railroad
11:21 13 track was there. That's where they loaded the ore,
11:21 14 you know, at that time.
11:21 15 Q Oh, from right there at the popping
11:21 16 facility?
11:21 17 A Yeah. Uh-huh. At that time.
11:21 18 Q Did you ever watch that happen?
11:21 19 A No. I never watched that happen, but
11:21 20 that's what it was. And then years later they moved
11:21 21 down by the river down there.
11:21 22 Q Was there any other facility for
11:21 23 vermiculite where you played as a child?
11:21 24 A Oh, yes. Then we used to go down here by
11:21 25 the river down here. Just after you cross the

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0027
Libby

11:21 1 overpass, you turn left down there, down to the --
11:22 2 Zonolite was down there then at that time. They
11:22 3 would bring it down off the mountain and pop it down
11:22 4 there and stuff, and we would play in the bins down
11:22 5 there, too.
11:22 6 Q Was that about the same period of time,
11:22 7 from age ten to fourteen? Was that --
11:22 8 A Be right in there, you know. Up until I
11:22 9 was probably fifteen or so, you know. Up in that
11:22 10 area.
11:22 11 Q Okay.
11:22 12 A We kind of quit going down there and
11:22 13 started going down to the other one, you know. And
11:22 14 the swimming pool was close by down there.
11:22 15 Q The one at Lincoln had the swimming pool
11:22 16 close by?
11:22 17 A Yeah, down by the river. Down by the
11:22 18 river there was a swimming pool down there by the
11:22 19 ball diamond.
11:22 20 Q Okay. So I don't want to get confused,
11:22 21 because I'm not very familiar with Libby. Is the
11:22 22 one where the swimming pool was, is that the one on
11:22 23 Lincoln Boulevard?
11:22 24 A No.
11:22 25 Q The one down by the river is where you

Q028
Libby

11:23 1 would swim in?
11:23 2 A Yes.
11:23 3 Q Okay. I'm sorry. I got confused.
11:23 4 A Oh, okay.
11:23 5 Q So that's close to the ball diamonds as
11:23 6 well?
11:23 7 A The Zonolite?
11:23 8 Q Yeah.
11:23 9 A Yeah, just across the railroad tracks is
11:23 10 where the Zonolite facility was, across the railroad
11:23 11 tracks and back of the ball diamond.
11:23 12 Q Is that facility still there?
11:23 13 A Yes, but they are using it to -- I think
11:23 14 it's a mill in there now. Some kind of a lumber
11:23 15 mill. Yeah.
11:23 16 Q We have a photograph, Mr. Larson, that is
11:23 17 Plaintiff's Exhibit 1-40. And you can see it on the
11:23 18 screen or you can look at the photo. Whichever is
11:23 19 easier for you. Can you tell us what this
11:23 20 photograph represents.
11:23 21 A Yeah, that's the Zonolite down here by the
11:23 22 river, down here. That's where they brought the ore
11:23 23 down to and popped it in the popping building back
11:23 24 there. That building -- Let's see, this one here,
11:23 25 that wasn't there. That building there wasn't there
11:24

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0035
11:30 1 warnings ever given to you?
11:30 2 A None that I can recall, ever.
Libby 11:30 3 Q Are there other times or periods in your
11:30 4 life when you've been around, let's say, the
11:30 5 vermiculite ore, from Zonolite, specifically?
11:30 6 A Yes, my home up on 516 Poplar there in
11:30 7 '59, we insulated with six inches of the popped
11:30 8 upstairs in it, in the attic, and I lived there for
11:31 9 20 years with it.
11:31 10 Q From '59 'til -- '79 then?
11:31 11 A Until '79.
11:31 12 Q Approximately?
11:31 13 A Yeah.
11:31 14 Q So in '59 -- Were you born in '46?
11:31 15 A '36.
11:31 16 Q '36, I meant. So you were 23,
11:31 17 approximately?
11:31 18 A Uh-huh.
11:31 19 Q Were you married then?
11:31 20 A Yes.
11:31 21 Q Okay. And was that a house that you
11:31 22 owned?
11:31 23 A Yes, I was buying it at the time. Uh-huh.
11:31 24 Q And how did you come about insulating it
11:31 25 with Zonolite ore?

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0036
Libby

11:31

1 A Well, my brother-in-law worked up -- down
2 at the Zonolite down there, and --

11:31

3 Q What was his name?

11:31

4 A Ruben Fellenberg. And I had to insulate
5 with something, and he got me the ore.

11:31

6 Q Did you build the house?

11:31

7 A No. Huh-uh. It was -- It was already
8 built and I just bought it. I bought --

11:31

9 Q And you felt it needed some insulation?

11:31

10 A It need insulation.

11:32

11 Q In the walls or ceiling --

11:32

12 A Ceiling. On the ceiling part. And then a
13 lot of it went down into the walls, but -- I put
14 completely six inches right to the top of the -- you
15 know, to --

11:32

16 Q Top of the joists?

11:32

17 A Joists, yeah.

11:32

18 Q Do you remember, was there anything else
19 up there by way of insulation when you were up
20 there?

11:32

21 A Not until I put it in. I did put a -- on
22 the ceiling part, I put fiberglass, but otherwise it
23 was all Zonolite. Nothing else.

11:32

24 Q Okay.

25 A There wasn't nothing.

11:32

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Q037
Libby

11:32 1 Q And Ruben, you said -- Did you go get the
11:32 2 Zonolite yourself or --
11:32 3 A No, Ruben brought it to me.
11:32 4 Q Was he a pretty close friend of yours?
11:32 5 A Yeah, he's my brother-in-law.
11:32 6 Q Did you spend a lot of time together?
11:32 7 A Oh, yes. Years and years. Yeah.
11:32 8 Q Is he still here in Libby?
11:32 9 A Yes, he's still here in Libby, huh-uh.
11:32 10 Q Okay. What was the ore like when he
11:33 11 brought it to you?
11:33 12 A Popped in bags.
11:33 13 Q Okay.
11:33 14 A Yeah, it was in bags.
11:33 15 Q And who put it in upstairs?
11:33 16 A I did.
11:33 17 Q All right. Did you wear a respirator or
11:33 18 anything when you --
11:33 19 A No.
11:33 20 Q Did you pour it out of the bags and --
11:33 21 A Poured it out of the bags and leveled it
11:33 22 up, you know, as I'd come through the ceiling and --
11:33 23 Q Was this what you would call an attic
11:33 24 or --
11:33 25 A Attic.

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0038
Libby

11:33

1 Q Okay.

11:33

2 A It had a few boards down and stuff, and

11:33

3 I'd store stuff up there, you know, and that. But

11:33

4 otherwise, it was just open Zonolite and -- the

11:33

5 floor joists -- the roof joists.

11:33

6 Q So you stored stuff up there. So over the

11:33

7 years that you lived in that house, twenty years,

11:33

8 were you up and down from that attic?

11:33

9 A Oh, yes. Many times. Many times. Over

11:33

10 the years, the Zonolite would come down through the

11:34

11 light fixtures once in a while, you know, with

11:34

12 vibration, I guess, and that. You would have to

11:34

13 clean the shades out and stuff.

11:34

14 Q Okay.

11:34

15 A Like I say -- So it was -- It was in there

11:34

16 from, like I say, probably twenty years, or close to

11:34

17 it.

11:34

18 Q Okay. And again, did you receive any

11:34

19 warnings from anybody --

11:34

20 A No.

11:34

21 Q -- regarding using the Zonolite in your

11:34

22 home?

11:34

23 A Nope. Nope. Nobody said nothing.

11:34

24 Q Do you remember on the bags of Zonolite

11:34

25 whether there were any warnings? I understand this

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0039
Libby
11:34

1 was a long time ago.
2 A I don't remember if there was or not. No.
11:34 3 Q Did you know that the ore that you were
11:34 4 using in your ceiling may have contained asbestos?
11:34 5 A No. Nobody ever said a word about
11:35 6 something like that.
11:35 7 Q Do you know, Mr. Larson -- Are you all
11:35 8 right? Do you need to take a break?
11:35 9 A I'm fine right now for a bit.
11:35 10 Q All right. You let me know if you would
11:35 11 like to rest or --
11:35 12 A Okay.
11:35 13 Q Do you know whether you have had any other
11:35 14 exposure -- let's say -- let's say not to asbestos
11:35 15 at this point, but to Zonolite products, during the
11:35 16 course of your life?
11:35 17 A Did I have?
11:35 18 Q Yeah, other than what we have already
11:35 19 talked about.
11:35 20 A Well, the only other that I can recall
11:35 21 would be, we used to go up the Zonolite hill up
11:35 22 towards the mine, and there was some old cabins
11:35 23 there and that, and we would go up there and catch
11:35 24 chipmunks and stuff and play up there. You know,
11:35 25 we'd run them around the building and trap them and

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0040
Libby

11:35 1 catch chipmunks and play with them and that.
11:36 2 And then there was places -- Oh, I can
11:36 3 remember Zonolite trucks -- I guess they tipped over
11:36 4 or something. There would be a few piles of
11:36 5 Zonolite here and there. I can remember playing in
11:36 6 them, you know, a little. Different things like
11:36 7 that. And in those cabins and stuff.
11:36 8 Q Now, when you say Zonolite road, where
11:36 9 exactly were you talking about?
11:36 10 A Going up to the mine itself, about -- It's
11:36 11 about four or five miles out here.
11:36 12 Q Was this when you were a child?
11:36 13 A This was when I was a child, yeah.
11:36 14 Q So occasionally right along the road or
11:36 15 where would these piles of ore be?
11:36 16 A Be along the road and stuff, uh-huh.
11:36 17 Q Okay.
11:36 18 A Yeah.
11:36 19 Q Anything else -- You said you spent a lot
11:36 20 of time with Ruben --
11:36 21 A Ruben.
11:36 22 Q -- Ruben Fellenberg?
11:36 23 A Yeah. Lots of time with Ruben.
11:36 24 Q Do you happen to know when he started
11:36 25 working at Zonolite?

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0048
11:46 1 Q As far as specific -- I mean, what about
11:46 2 your lungs has gotten worse since you quit?
11:46 3 A Well, I just -- I just can't function.
11:46 4 I can't -- I just can't do nothing. They are just
11:46 5 getting bad. And --

Libby 11:46 6 Q Well, I see that you're on -- that you're
11:46 7 on oxygen as you're here with us today.

11:46 8 A Uh-huh.

11:46 9 Q Are you on oxygen all the time?

11:46 10 A Yeah, 24 hours.

11:46 11 Q When did you start with the oxygen?

11:46 12 A Just this here last year.

11:46 13 Q Okay. So that wasn't something that --
11:46 14 You weren't put on oxygen back in '92?

11:46 15 A No. No. I just started here in the
11:46 16 last -- last year. This last year. But it was
11:46 17 getting to -- I just couldn't do nothing. I can't
11:46 18 do nothing.

11:47 19 Q Because of shortness of breath?

11:47 20 A Shortness of breath, yeah.

11:47 21 Q Let's talk about your condition now. Is
11:47 22 the Raynaud's syndrome something that's still
11:47 23 limiting you?

11:47 24 A Oh, no, I -- I've learned how to live with
11:47 25 that pretty much. You know, I mean -- It will

11:47
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0049
11:47 1 still, if I get under, you know, like, real cold
11:47 2 water, real cold and that, the hands will tingle and
11:47 3 get numb and stuff. Once in a while my feet will go
11:47 4 to sleep or the hands and everything. But I've
11:47 5 learned pretty well how to live with that over all
11:47 6 this time, you know.
11:47 7 Q What about your heart problem? Now, you
11:47 8 said you had to have surgery in '92. How has that
11:47 9 been since?
11:47 10 A It has been good, the heart problem, all
11:47 11 except for in '95 I had to have a stint put in. And
11:47 12 then I've -- I've had no problems since with that.
11:48 13 Q Do you still take medication for your
11:48 14 heart?
11:48 15 A I still take that, uh-huh. Yeah. I've
11:48 16 had no problems since with that. Just --
11:48 17 Q All right. So then let's talk -- And your
11:48 18 knee is okay? That's --
11:48 19 A My knee is fine.
11:48 20 Q Let's talk about your lungs, then. You
11:48 21 said -- I think you said it was around '92 when you
11:48 22 learned that you had -- apparently learned that you
11:48 23 had emphysema?
11:48 24 A Yes.
11:48 25 Q Did there come a time then when you had a

Libby [25]

Libby 0050

11:48

1 diagnosis of asbestosis?

11:48

2 A Yes, Dr. Whitehouse in Spokane said that I
 3 had signs of it, and -- and then I think it was just
 4 a -- last year or whenever it was, the Veteran's
 5 doctor there asked me if I worked in the mine. And
 6 I said, No, I've never worked in the mine. I said,
 7 I used to play in it as a kid. And he says, And
 8 they never told you nothing neither, did they. And
 9 I said, No. And that's when he told me that
 10 asbestosis showed up on the x-rays there.

11:49

11 Q Okay.

11:49

12 A But that's the first I learned about it,
 13 you know.

11:49

14 Q And you haven't smoked since 1992?

11:49

15 A I have never smoked a cigarette since '92.

11:49

16 Q You talked a little bit about this, but I
 17 would like to have you go into a little bit more
 18 detail about your lung condition today. I think you
 19 said you're using oxygen all the time?

11:49

20 A Right.

11:49

21 Q How well can you move around?

11:49

22 A Not very well. Some days I can't even
 23 wash my own little bit of hair I got or even take a
 24 shower. You know, some days it's tough to walk to
 25 the bathroom, I mean. It just -- I just ain't got

11:50

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Arrowwood
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0051
Libby

11:50 1 no wind.
11:50 2 Q Even with the oxygen?
11:50 3 A Even with the oxygen. Yeah. It's pretty
11:50 4 well gone. Yeah.
11:50 5 Q Okay. And this has gotten worse you
11:50 6 said --
11:50 7 A Oh, it has gotten way worse since '92.
11:50 8 It's no comparison. It's way worse.
11:50 9 Q Because you weren't on oxygen at all in
11:50 10 '92 or up until --
11:50 11 A No, no. And I could -- Back then I could
11:50 12 move around, you know, and I could do a few things,
11:50 13 you know, and stuff. Ain't like that no more.
11:50 14 Q What's your understanding -- And I know
11:50 15 you're not a doctor, but what's your own
11:50 16 understanding of the cause of your shortness of
11:50 17 breath?
11:50 18 A It's a combination of the emphysema and
11:51 19 the asbestosis, you know -- just a combination of
11:51 20 everything, I guess.
11:51 21 Q And how does that affect you in your daily
11:51 22 life? I mean, tell us about some of the things
11:51 23 perhaps that you used to enjoy doing.
11:51 24 A Oh, it's just about put me to a stand
11:51 25 still. Me and my wife, we used to just love to get

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Arrowood
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Libby

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1 out and fish and camp and go mushrooming and hunting
2 and everything we could do. And take the grandkids
3 out and the kids out fishing and camping.

4 About all I can do now is, I bought a boat
5 a few years back because I had to quit fishing in
6 the creeks. I couldn't make it up and down the
7 banks or -- I would get too short of breath. So I
8 thought, well, maybe if I got a boat, I could at
9 least sit in the boat and stuff.

10 Well, that went on for -- about one year
11 that I could, you know. And now I take it up there
12 and watch the kids go out and everybody go out
13 fishing and I sit and watch, because I can't walk
14 over the bank or walk over to the bank to watch.
15 You know, it just -- It just put me to a stand
16 still. Just about what it's done.

17 Q How old did you say you are, Mr. Larson?

18 A I'm 62 years old. Just turned 62 in
19 November.

20 Q Anything else that you and Joyce used to
21 enjoy doing? You said you enjoyed camping, anything
22 like that. Can you do it at all anymore?

23 A Not really, no. I -- We can't -- I can't
24 take the oxygen and I got to take the treatments and
25 everything and -- I just can't -- I don't -- I just

0053
Libby

11:53 1 can't do it anymore, at all. And then anything
11:53 2 that's got to be done, she -- that's what hurts
11:53 3 me -- probably hurts me worse than anything, to have
11:53 4 to have her do it all..

11:53 5 Q You mean Joyce?

11:53 6 A Yeah, Joyce.

11:53 7 Q Like what kind of things?

11:53 8 A Anything. Anything. With the camper or
11:53 9 the boat or loading it or checking the oil or -- you
11:53 10 know, anything. Just everything.

11:53 11 Q Does that -- I'm sorry, go ahead.

11:53 12 A I'm just -- That tears me up.

11:53 13 Q It bothers you that --

11:53 14 A Uh-huh.

11:53 15 Q Are you on any -- You said you had some
11:53 16 treatments. What kind of treatments are you
11:53 17 referring to?

11:53 18 A Nebulizer.

11:53 19 Q Nebulizer?

11:53 20 A Nebulizer and uppers.

11:53 21 Q And what are those for?

11:53 22 A For my lungs.

11:54 23 Q How often do you have to take that
11:54 24 treatment?

11:54 25 A Every three to four hours. It's getting

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Libby 0054

11:54 1 on to that time here. Have to take a break here
11:54 2 pretty soon.
11:54 3 Q Okay. Well, let's -- It's almost noon,
11:54 4 but I'm almost done. I only have about maybe five
11:54 5 more questions for you.
11:54 6 A Okay.
11:54 7 Q So, I mean, then we can talk about whether
11:54 8 you need to take a rest. What kind of medications
11:54 9 are you on, other than the nebulizer at this point?
11:54 10 A Oh, I'm on Prednisone.
11:54 11 Q And what is that for?
11:54 12 A For my lungs.
11:54 13 Q For your lungs?
11:54 14 A Yeah. And Traza -- Well, I brought a list
11:54 15 of it, so I -- because I can't remember.
11:54 16 Q Okay. You can --
11:54 17 A Can I refer to this?
11:54 18 Q Sure.
11:54 19 A Trazodone, I guess that's how you --
11:54 20 Q Trazodone? What is that for?
11:55 21 A That's for the nerves and -- You know.
11:55 22 And I'm on oxygen, Tranzodone, Prednisone, and --
11:55 23 (Pause.)
11:55 24 Q You can spell it --
11:55 25 A Serivent (phonetic)? I can't -- A lot of

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0055
Libby

11:55 1 it, I can't even read the writing. I don't know how
11:55 2 you would pronounce the others.
11:55 3 Q Are you on any medication for your heart?
11:55 4 A Yes. I take nitroglycerin.
11:55 5 Q And do you use any kind of inhalers for
11:55 6 your lungs?
11:55 7 A Yes, I got inhalers.
11:55 8 Q Have you been -- We're talking about your
11:55 9 lung condition. Have you been in and out of the
11:55 10 hospital in the last -- let's say, in the last two
11:56 11 years for shortness of breath?
11:56 12 A Yes. Probably seven, eight times.
11:56 13 Q Here in Libby, or do you --
11:56 14 A Well, between Libby and the Veteran's
11:56 15 hospital. I spent two and a half months in the Care
11:56 16 Center at the Veteran's hospital last year on
11:56 17 account of my bones are getting so bad from the
11:56 18 Prednisone.
11:56 19 Q What do you mean by getting bad? What's
11:56 20 happening?
11:56 21 A Thinning. Getting thin and they fracture.
11:56 22 And I would sneeze or cough and they would fracture.
11:56 23 And then --
11:56 24 Q And that is from the Prednisone?
11:56 25 A That's from the Prednisone.

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0056
Libby
11:56

1 Q And Prednisone, why do you take
2 Prednisone?

3 A For the lungs.

4 Q For the lungs?

5 A Yeah, for the lungs.

6 Q Okay. Don't crinkle that, please. I'm
7 going to ask you not to crinkle that paper again.

8 A Oh, okay.

9 Q Nervous habit. So when you go into the
10 hospital, what precipitates you having to go into
11 the hospital?

12 A What makes me go?

13 Q Yeah.

14 A Just ain't breathing no more. They have
15 just got to get me going again.

16 Q How does that feel?

17 A Oh, boy. It's scary. I mean, it's -- I
18 mean, it's terrible. I'm just not breathing. The
19 last time -- Second to the last time here, they were
20 pretty worried about me that time.

21 Q What brings it on?

22 A Just comes on. Just no function left.
23 Last time they said I had 10 percent functioning in
24 my lungs left, so -- And then the last month they
25 said that even dropped some over there. I was over

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0057
Libby

11:58 1 last Tuesday and they put me on the tester, and then
11:58 2 -- a month before that I was in the hospital there
11:58 3 six days and they run all these tests and put me in
11:58 4 the machines and all this, and then they put me on
11:58 5 the machine when I was there this last time, they
11:58 6 said it dropped this last time.
11:58 7 Q What had dropped?
11:58 8 A My function.
11:58 9 Q Your lung --
11:58 10 A Yeah, my lung expansion and function.
11:58 11 Q What's your understanding, Mr. Larson, as
11:58 12 to whether there is any cure for your lung
11:58 13 conditions?
11:58 14 A No, there is no cure. And they told me
11:58 15 that they couldn't give me new lungs and that on
11:58 16 account of my -- I just couldn't take it, the
11:58 17 surgery. Just like my back, the bones fracturing
11:58 18 and stuff, that they couldn't even put -- They said
11:58 19 that some people they could put steel in it or
11:58 20 something to hold it, you know, brace it, and they
11:58 21 said they couldn't do that with me. Feed me pain
11:59 22 pills.
11:59 23 Q And you had a fracture in your back, you
11:59 24 said?
11:59 25 A I had three fractures. I had one at a

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Libby⁰⁰⁵⁸

11:59 1 time, but they was -- It was all within a month that
11:59 2 they fractured.
11:59 3 Q And what brought those on?
11:59 4 A Just sneezing and coughing.
11:59 5 Q And that's because of the condition of
11:59 6 your bones being weakened?
11:59 7 A Yes, from the Prednisone.
11:59 8 Q I have just a couple more questions for
11:59 9 you that I want to cover, and I would like to ask
11:59 10 you a little bit about your relationship with Joyce,
11:59 11 your wife. When did you say the two of you got
11:59 12 married?
11:59 13 A Got married?
11:59 14 Q Yeah.
11:59 15 A 1980.
11:59 16 Q Okay. Can you tell us a little bit about
11:59 17 that relationship?
11:59 18 A Oh, yeah. We -- It has been a great one.
11:59 19 We're good friends. Been good friends.
11:59 20 Q Have you been happy together?
11:59 21 A Oh, yeah. Loved to do things with her
11:59 22 and, you know, the kids. Everything. But -- It's
11:59 23 not possible to do too much anymore.
12:00 24 Q As far as -- Because you said you used to
12:00 25 enjoy camping and fishing?

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0061
12:02 1 reason in the world, I don't know why, but she --
12:02 2 about a half hour later she come and I was sitting
12:02 3 in the boat and they got me out and brought me into
12:02 4 the hospital.

12:03 5 Q That was for a back --

12:03 6 A That was for my back and lungs again.
12:03 7 I wouldn't breathe it hurt so bad, you know, from
12:03 8 the fracture.

Libby

12:03 9 Q So as far as you needing help now with
12:03 10 your day-to-day life, is Joyce there now to help you
12:03 11 with what you need?

12:03 12 A Yes, she is. Yes, that's what hurts.
12:03 13 She's got to do pretty near everything. Not pretty
12:03 14 near, everything. Or the kids, you know.

12:03 15 Q Yeah, or your kids.

12:03 16 MS. BIBY: I don't have any more
12:03 17 questions for you, Mr. Larson. Unless I may have a
12:03 18 few follow-ups. But I'm sure Mr. Graham will have
12:03 19 some questions to ask you. And we can take a break
12:03 20 now, if you would like.

12:03 21 THE DEPONENT: Can we take a
12:03 22 break?

12:03 23 MR. GRAHAM: Sure.

12:03 24 (A recess was held in the proceedings.)

12:42 25 ///

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